

Appendix F-7: Comments and Responses Report

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REPORT

**Comments and Responses Report
for the Application For Variations
to the Existing Waste
Management License
(12/9/11/L50/5/R1) for the
Medupi Power Station Ash
Disposal Facility, Limpopo
Province**

WML Variation Application Ref. No.: 12/9/11/L184515344/5/V

Report No : 12949

Submitted to :

Eskom Holdings SOC Limited
PO Box 1091
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2000

23 May 2018

12949

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LIST OF ACRONYMS

ADF	Ash Disposal Facility
CER	Centre for Environmental Rights
CRR	Comments and Responses Report
DEA	Department of Environmental Affairs
DWS	Department of Water and Sanitation
DEIR	Draft Environmental Impact Assessment
EAP	Environmental Assessment Practitioner
EIA	Environmental Impact Assessment
FEIR	Final Impact Assessment Report
FGD	Flue Gas Desulphurisation
GN	Government Notice
West	Mokolo and Crocodile River
PPP	Public Participation Process
WML	Waste Management Licence
WWTP	Waste Water Treatment Plant
WULAs	Water Use Licence Applications
WFGD	Wet Flue Gas Desulphurisation

Comments and Responses Report for the Waste Management Licence Variation Application

This Comments and Responses Report (CRR) captures the comments and issues raised by stakeholders during public review of the application for variations to the existing Waste Management License (12/9/11/L50/5/R1) for the Medupi Power Station Ash Disposal Facility, Limpopo Province

Comments received during the review period have been captured in this CRR that will form part of the Final Variation Application, which will be submitted to the Department of Environmental Affairs (DEA) for consideration and decision-making after conclusion of the Public Participation Process (PPP).

For easy reference and review, comments / concerns / issues / recommendations have been categorised according to proposed impacts and captured alphabetically according to surname under each category.

NO	COMMENTS / CONCERN / RECOMMENDATION	RAISED BY & WHEN	RESPONSE
1	COMMENTS RAISED ON THE WASTE MANAGEMENT LICENCE VARIATION APPLICATION REVIEW PERIOD		
1.1	Comments raised by Centre for Environmental Rights (CER)		
1.1.1	<p>Objection to separate WML variation process and deferring of important considerations relevant to the EIA.</p> <p>CER stated in Paragraph 5: “the applicant cannot defer important considerations relevant to the EIA in a piecemeal fashion, irrespective of whether other legal provisions apply. The applicant is still bound, by the provisions of NEMA, to consider all effects of activities before actions are taken. Instead, the applicant proposes, through the bridging documents, to exclude the most important aspects of FGD project from the EIA process, until a later stage.”</p> <p>CER further states in Paragraph 8: “Throughout the process, however, the applicant has not produced the necessary documentation to address these primary concerns, and now seeks to address most of these issues through other channels at a later stage, such as through Water Use Licence Applications (WULAs), Waste Management Licence (WML) Applications, under “gaps in knowledge”, through a registration process in terms of Norms and Standards for the Storage of Waste, or other means.”</p>	<p>CER, Comments Letter dated 19 April 2018: Paragraphs 4, 5, 8, and 65</p>	<p>Clarification is provided that, there is an Ash Disposal Facility (ADF) which has a Waste Management Licence (WML, DEA Ref: 12/9/11/L50/5/R1), which will service the station for 20 years, but it has been determined that this ADF will not be adequate to service the ashing requirements of the power station operations for the full station life. For this reason, the station requires an additional ADF. The variation application being pursued is applicable to the existing WML, with the objective to dispose gypsum with the ash. A separate EIA application will be undertaken for the additional required ADF which will service the station beyond the 20-year horizon, as was discussed in the Bridging Documents and DEIR.</p> <p>The applicant can only operate within the confines of the legislation and within the provisions that are allowed to obtain authorisation, i.e. in this case an existing WML is in place for the Medupi ADF, where all impacts prior to the authorisation of the licence were assessed by an independent Environmental Assessment Practitioner (EAP) and considered by the Competent Authority. Given the fact that the ADF has an existing WML, which can accommodate both the ash and gypsum it is not deemed necessary at this point to submit an application for a new WML. There is a provision in the waste act to undertake a variation application to an existing WML.</p> <p>The WML Variation Application will deal with potential additional impacts associated with the disposal of ash and gypsum together on the already approved footprint for ash disposal, in terms of the existing WML, the reduction of the footprint of the ADF to avoid sensitive wetland areas to the southwest of the ADF, and to assess potential impacts of the increase in height of the disposal facility from 60m to 72m if ash and gypsum are disposed together on the same authorised ADF footprint. Since gypsum and ash have the same</p>

		<p>classification the existing ashing facility can accommodate the additional waste.</p> <p>At commencement of the EIA process (DEA Ref: 14/12/16/3/3/110) the project scope had included authorisation processes for the additional ADF. That said, the WML Variation Application being undertaken does not consider impacts associated with the future¹ disposal of ash, gypsum, or FGD salts and sludge on a greenfields site located outside of the Medupi Power Station footprint as had been the plan at the end of the Scoping Phase.</p> <p>The project aimed at authorisation of an additional waste disposal facility to, potentially, cater for the disposal of the Type 1 (FGD salts and sludge) and Type 3 (ash and gypsum) waste was removed from the scope of the current EIA to allow consideration of additional proposals to deal with disposal of Type 1 and 3 in a separate authorisation process. One such proposal is to consider a possible regional waste management² facility commissioned by Eskom, which could allow hazardous and general waste generated by other industries to be managed at such a regional disposal facility or such a waste disposal facility can be for Eskom use only.</p> <p>It must, furthermore, be noted that the application for a Water Use Licence (WUL) cannot be dealt with by incorporating it in the EIA reports, although most of the impacts are duplicated in the application for environmental authorisation in terms of NEMA, and WULA in terms of the National Water Act. The findings of the WULA may be reported separately from the Environmental Impact report, but the processes are undertaken in an integrated fashion.</p> <p>Mathys Vosloo, EAP</p>
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¹ This facility will be required beyond the 20-year horizon, after consumption of the current authorized ADF footprint or waste disposal facilities

² The scope of this facility may include various options as provided for in the waste hierarchy, considering business opportunities and needs.

1.2 Comments raised by the Limpopo Department of Public Works, Roads and Infrastructure			
1.2.1	The Department of Public Works, Roads and Infrastructure has no objection whatsoever regarding the project.	Mr N.J Tshikonelo Limpopo Department of Public Works, Roads and Infrastructure Comment Sheet dated 18 May 2018	<i>Comment notes. No response required.</i> Mathys Vosloo, EAP
1.3 Comments raised by the Department of Environmental Affairs			
1.3.1	The Department confirms receipt of your above mentioned application on 06 March 2018. Please submit two additional copies.	Mr Lucas Mahlangu Department of Environmental Affairs Letter dated 09 March 2018	Comment noted. Two additional hard copies were submitted to the Department on the 03 April 2018. Mathys Vosloo, EAP
1.3.2	The Department confirms having received waste licence application form for the abovementioned activity on 03 April 2018. Your application has been assigned with a reference number (12/9/11/L184515344/5/V). Kindly quote this reference number in any further correspondence in respect of your application. The responsible officer for the processing of your application is Ms Mpho Rabambi who can be contacted on (012) 399 9780 or MRabambi@environment.gov.za.	Mr Lucas Mahlangu Department of Environmental Affairs Letter dated 09 April 2018	Comment noted. No response required. Mathys Vosloo, EAP

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APPENDIX A :

